

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Johan van de Groenendaal, et al.  
Serial No.: 10/786,863  
Filing Date: February 24, 2004  
Group Art Unit: 2167  
Confirmation No.: 3676  
Examiner: Michael Pham  
Title: RELATIONAL MODEL FOR MANAGEMENT  
INFORMATION IN NETWORK DEVICES

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

The following Pre-Appeal Brief Request for Review ("Request") is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. Applicant respectfully requests reconsideration of the application in light of the remarks set forth below.

**REMARKS**

Applicant received a Final Office Action dated September 17, 2008 (“Final Office Action”) to which Applicant responded with a response dated November 17, 2008 (“Response After Final”) after which, Applicants received an Advisory Action dated November 24, 2008 (“Advisory Action”). At the time of the Advisory Action, Claims 1-20 were pending, of which, Claims 1-20 stand rejected. Applicants seek review of the rejections of Claims 1-20.

**Section 102 Rejections**

The Final Office Action rejects Claims 1-20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,122,639 to Babu et al. (“*Babu*”). Applicants respectfully traverse these rejections.

Claim 1 is directed to an apparatus for network management in a *heterogeneous environment*, including a *relational mapper* that is operable *to translate* the relational query received through the relational interface from the software application to *native protocol messages* according to an access protocol associated with the network device. *Babu* does not disclose each of these limitations.

The Final Office Action relies on the description of the collection engine of *Babu* as disclosing the relational mapper of Claim 1. (Final Office Action at 6). This, however, is incorrect. The Examiner cites Figures 1 and 2, column 1, line 23, and column 7 lines 24-32 at allegedly disclosing this limitation. The Advisory Action utilizes the same citations.

Relational mapping in *Babu* is disclosed as mapping “device type identifiers” to “device classes in a device class table.” (*Babu* column 8, lines 43-44). A device class is a broader group of devices that support similar MIB objects. Examples of device classes include “cisco router” and “switches.” (*Babu* column 8, lines 47-48). Thus it is clear that the relational mapping is between a device and its class and not operable to “*translate* the relational query received through the relational interface from the software application to *native protocol messages* according to an access protocol associated with the network device” as recited in Claim 1.

Additionally, the device class table that the Examiner equates to the relational mapper does not perform the translating function as claimed by Applicants. *Babu* discloses that it is “desirable *to map* the Device Type *received from the network device* to a stored list of device

types.” It is clear that this step is performed *after* a query is sent out and a response received. Accordingly, the device class table does not translate a relational query received through the relational interface.

Even if Applicants were to concede for the sake of argument only that the collection engine, including database with the device type identifier to device class mapping were equivalent to the relational mapper in Claim 1 (a point which Applicants certainly do not concede), the relational mapper would still not disclose, teach or suggest “*translat[ing]*” the relational query received through the relational interface from the software application to *native protocol messages* according to an access protocol associated with the network device” as recited in Claim 1. For example, the collection engine of *Babu* is “initiated by supplying a device name and other information with which the collection engine can locate a device, such as SNMP community strings.” (*Babu* column 7, lines 20-24). The collection engine in response to the request “sends an SNMP message over the network to the network device.” (*Babu* column 7, lines 32-32). The cited portions do not disclose any translation of a relational query through the relational interface from the software application to native protocol messages according to an access protocol associated with the network device. Rather, the cited portions indicate that SNMP is used throughout the process. Thus, no translation occurs.

Moreover, the Examiner uses the same teaching from different portions of *Babu* as disclosing a native protocol message and an access protocol. The Examiner asserts that the native protocol message is disclosed by the collection engine sending an SNMP message over the network to a network device. The Examiner then asserts that the access protocol is disclosed by a portion of *Babu* that discloses a network management stations transmitting a message requesting information over the network to a targeted device using an agreed-upon protocol, such as SNMP. It is clear that both portions of *Babu* are describing the same process.

For at least these reasons, *Babu* does not disclose the apparatus of Claim 1 including, for example, the relational mapper that is operable to translate the relational query received through the relational interface from the software application to native protocol messages according to an access protocol associated with the network device. Therefore, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

Claims 2-8 and 15-16 each depend, either directly or indirectly from Claim 1. Therefore, for at least the reasons discussed above with regard to Claim 1, Applicants respectfully request that the rejections of Claims 2-8 and 15-16 be withdrawn.

Similar to Claim 1, Claims 9-11 include limitations related to handling the native protocol messages as a transaction with the network device. For at least those reasons discussed above with regard to Claim 1, Applicants respectfully contend that *Babu* does not disclose each of these limitations. Therefore, Applicants respectfully request that the rejection of Claims 9-11 be withdrawn.

Claims 17-20 each depend, either directly or indirectly from Claims 10 and 11, respectively. Therefore, for at least the reasons discussed above with regard to Claim 1, Applicants respectfully request that the rejections of Claims 17-20 be withdrawn.

#### **Claim 4**

The Examiner has failed to show a relational mapper that is “expandable to receive queries directed to additional network devices which use other protocols different from said access protocol, transparent to said software application” as recited by Claim 4. The cited portion of *Babu* merely discloses a “local area network comprising any number of network devices interconnected by a communications channel.” These network devices are “routers, switches, and other backbone devices that guide data communications among clients and servers.” (*Babu* column 6, lines 34-40). That does not disclose a relational mapper that is “expandable to receive queries directed to additional network devices which use other protocols different from said access protocol, transparent to said software application.”

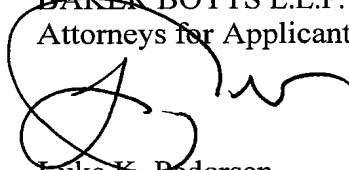
For at least these reasons, *Babu* does not disclose the apparatus of Claim 4. Applicants respectfully request that the rejection of Claim 4 be withdrawn.

**Conclusion**

As the rejections of Claims 1-20 contain clear legal and factual deficiencies, Applicant respectfully requests a finding of allowance of Claims 1-20. If the PTO determines that an interview is appropriate, Applicant would appreciate the opportunity to participate in such an interview. To the extent necessary, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. **02-0384** of **Baker Botts L.L.P.**

Respectfully submitted,

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Date: December 17, 2008

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